

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

INTERNATIONAL BUSINESS MACHINES
CORPORATION,

Plaintiff,

v.

GROUPON, INC.,

Defendant.

Civil Action No. 16-122-LPS-CJB

JURY TRIAL DEMANDED

STIPULATION TO NARROW ISSUES FOR TRIAL

Plaintiff International Business Machines Corporation (“IBM”) and Defendant Groupon, Inc. (“Groupon”) stipulate as follows:

1. IBM does not and will not seek damages for any alleged infringement committed prior to March 2, 2010, which is the date six years prior to the filing of the complaint in this action. (D.I. 1).

2. IBM does not and will not assert any patent claims other Claims 1-7, 12, and 17 of the ‘967 Patent, Claims 1-9, 12-22, and 25 of the ‘849 patent, Claims 1, 2, 4, 6, 7-10, 51, 52, 54, and 56-59 of the ‘601 patent, and Claims 1-3, 5, 8, 10, 12, and 13 of the ‘346 patent in this action.

3. Based on the foregoing, Groupon will not assert any of Affirmative Defenses No. 5 (Dedication to the Public), 9 (Limitation on Damages and Costs), 10 (Marking), and 11 (Unenforceability) in this action and hereby withdraws them.

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